

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMAAL A. MCNEIL,) 8:07CV143
)
 Plaintiff,)
)
 v.) **MEMORANDUM AND
) ORDER**
 CITY OF OMAHA, T. RINGHOFF,)
 and J. WARNOCK,)
)
 Defendants.)

This matter is before the court on Plaintiff's Motions to Extend Time to Pay Filing Fee. (Filing Nos. 36 & 42.) In his Motions, Plaintiff states that he is unsure if he needs to request an extension of time to pay his filing fee, but he believes that the filing fee was sent to the court by his institution late.

When a prisoner files a lawsuit, the initial partial filing fee and subsequent installments shall be collected and remitted, as funds exist, in the manner set forth in 28 U.S.C. § 1915(b)(2). Section 1915(b)(2) states that until the full filing fee of \$350.00 is paid, the prisoner shall be obligated to pay, and the agency having custody of the prisoner shall forward to the Clerk of the court, 20 percent of the preceding month's income in such months as the account exceeds \$10.00.

These payments will be automatically deducted from the prisoner's trust account by his institution. Therefore, Plaintiff does not need to file a motion for extension of time if the payment is sent to the court late. The court's records show that the court received a filing fee payment on behalf of Plaintiff on January 7, 2008.

IT IS THEREFORE ORDERED that Plaintiff's Motions to Extend Time to Pay Filing Fee (Filing Nos. 36 & 42) are denied as moot.

February 20, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge